

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SHIRLEY MORRISON
6422 Argyle Street
Philadelphia, PA 19111

Plaintiff,

v.

PHILADELPHIA GAS WORKS
800 W. Montgomery Avenue
Philadelphia, PA 19122

Defendant.

CIVIL ACTION

NO.

JURY TRIAL DEMANDED

CIVIL ACTION COMPLAINT

Plaintiff, Shirley Paige (hereinafter referred to as "Plaintiff" unless otherwise indicated),
by and through her undersigned counsel, hereby avers as follows:

I. Introduction

1. Plaintiff has initiated this action to redress violations by Defendant of the Family and Medical Leave Act ("FMLA" - 29 U.S.C. §§ 2601 *et. seq.*). Plaintiff was unlawfully denied multiple promotions, and she suffered damages more fully described/sought herein.

II. Jurisdiction and Venue

2. This Court may properly maintain jurisdiction over Defendant because Defendant's contacts with this state and this judicial district are sufficient for the exercise of jurisdiction over Defendant to comply with traditional notions of fair play and substantial justice, satisfying the standard set forth by the United States Supreme Court in International Shoe Co v. State of Washington, 326 U.S. 310 (1945) and its progeny.

3. This action is initiated pursuant to a federal law. The United States District Court for the Eastern District of Pennsylvania has original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 because the claims arise under the laws of the United States.

4. Venue is properly laid in this District pursuant to 28 U.S.C. §§ 1391(b)(1) and (b)(2), because Defendant resides in and/or conduct business in this judicial district and because a substantial part of the acts and/or omissions giving rise to the claims set forth herein occurred in this judicial district.

III. Parties

5. The averment of the foregoing paragraph is hereby incorporated by reference as if set forth fully herein.

6. Plaintiff is an adult individual residing at the above-captioned address.

7. Philadelphia Gas Works ("PGW" or "Defendant"), is a municipally owned gas company operating in Pennsylvania with a principal place of business at the above-captioned address.

8. At all times relevant herein, Defendant acted by and through its agents, servants, and employees, each of whom acted at all times relevant herein in the course and scope of their employment with and for Defendant.

IV. Factual Background

9. The averments of the foregoing paragraphs are hereby incorporated by reference as if set forth fully herein.

10. Plaintiff was hired by Defendant originally in or about December of 2008 as a customer service representative.

11. Plaintiff performed her job well; and as a result, she was promoted to a quality Sr. Quality Assurance, CSD in or about June of 2011.

12. Plaintiff was at all times relevant during her period of employment a full-time employee.

13. During at least the last 5 years of Plaintiff's employment, Plaintiff continually utilized leave under the Family and Medical Leave Act ("FMLA") on an intermittent basis for reasons including but not limited to:

- a) Plaintiff suffered from adenomyosis (as serious health condition);
- b) Plaintiff suffered from Carpel Tunnel Syndrome (a serious health condition);
- c) Plaintiff suffered from Fiber Myalgia (a serious health condition);
- d) Plaintiff suffered from depression (a serious health condition); and
- e) Plaintiff's daughter had serious health conditions (Epilepsy) requiring intermittent time off for episodes and medical treatment.¹

14. Defendant pervasively commits FMLA errors and violations, and in turns violates employees' rights, such as Plaintiff. Specifically, Defendant: (a) has often failed to designate certain partial or whole days as FMLA when taken for FMLA-qualifying reasons; (b) failed to input FMLA information into its computer system; (c) misplaced documentation or information about and concerning FMLA; and (d) overall has historically very poorly administered FMLA of employees.

¹ There are a number of medical complications not specified fully in subparts (a) – (e) that also necessitated the aforesaid intermittent medical leave, but these examples were the primary categories of serious health conditions of Plaintiff and her child that in fact required long-term intermittent medical leave through her later years of employment with Defendant.

15. Plaintiff was in fact directly denied multiple promotions because of Defendants' consideration of her FMLA absences and poor administration of FMLA within its business.

16. Plaintiff applied for multiple job positions / promotions between August of 2015 and August of 2017.

17. The types of positions Plaintiff applied for included but were not limited to advanced or supervisory positions such as "DRU – Field Representative (carrying with them increased compensation, benefits and responsibilities).

18. Plaintiff was expressly denied said positions including her most recent early 2017 application (a denial that occurred in April of 2017) due to Defendant's consideration of her absences (which Defendant references as "occurrences"). Defendant's rationale for denying Plaintiff multiple positions including through early 2017, was memorialized verbatim as follows:

Thank you for your interest in the above position with DRU.

Unfortunately, you will not be considered for this position at this time. This decision is based on occurrence standards for permanent transfers and promotions as set by the Collective Bargaining Agreement. The current absence standard is 6 occurrences for 26 days (6/26) over a two (2) year period. You have nine (9) occurrences for eight (8) days of non-FMLA absences over two years.

The occurrences include:

3/26/2015 Absence – Sick
3/27/2015 Absence – Sick
6/5/2015 Absence – Sick
6/6/2015 Absence – Sick
7/16/2015 Absence – Sick
7/17/2015 Absence – Sick
7/31/15 Absence – Sick
8/17/2015 Absence – Sick
9/30/2015 Late
3/8/2016 Late
8/4/2016 Late
8/17/2016 Late

See 4/5/17 e-mail Promotion Denial Letter, attached hereto as “Exhibit A.”

19. The bulk of Plaintiff’s (partial or full) absences that Defendant *directly considered* in not promoting Plaintiff on multiple occasions *included FMLA-qualifying absences* between June of 2015 through August of 2015. Defendant’s non-promotion of Plaintiff on each occasion is therefore *per se* unlawful.

20. Plaintiff directly communicated to her management and/or appropriate persons each time she needed to miss time for an FMLA-qualifying reason. By way of example, on July 31, 2015, Plaintiff sent an e-mail to Defendant’s management stating: “I am leaving today 7/31/2015 FMLA for myself and am going straight to the hospital.” *See* 7/31/15 e-mail from Plaintiff to Defendant’s Management, attached hereto as “Exhibit B.” As can be seen *supra*, Defendant still counted such time against Plaintiff in denying her promotions.

21. Plaintiff adamantly contested Defendant’s inclusion of dates it counted against her that were both a medical accommodation (under anti-discrimination laws) and FMLA-qualifying.

22. After Plaintiff had made multiple complaints about Defendant’s poor handling and administration of FMLA designations, Defendant claimed Plaintiff did not have an updated FMLA certification on file from between June and August of 2015. Defendant’s attempt to manufacture a defense to Plaintiff’s unlawful non-promotions fails for multiple reasons:

- (1) Plaintiff provided Defendant with *annual* certifications in June and September of 2014 to cover her for the entire upcoming year (through September of 2014);
- (2) Plaintiff continually utilized FMLA between June and August of 2015 each time notifying her management *without* any supervisor, human resources

personnel or any other administrative or management personnel telling Plaintiff she was not FMLA eligible; and

- (3) Defendant did not contact Plaintiff for an FMLA recertification until September of 2015. It is not an employee's responsibility to provide FMLA certifications because he or she thinks an employer might want one on file because such certifications are not required under the FMLA for the exercise of FMLA rights. If an employer desires a "subsequent" certification, it "may" require the employee to obtain one and must direct he or she do so. 29 U.S.C. § 2613(e).² Indeed, employers often allow employees to regularly use FMLA all over the United States without an active FMLA certification on file (because certifications are not necessarily a prerequisite to taking FMLA, but rather, an employer's option to verify the legitimacy of the FMLA need *if* desired).

Count I
Violations of the Family and Medical Leave Act ("FMLA")
(Interference & Retaliation)
- Against All Defendants -

23. The foregoing paragraphs are incorporated herein in their entirety as if set forth in

² "The responsibility to request FMLA certification is the employer's." *Thorson v. Gemini, Inc.*, 205 F.3d 370, 381–82 (8th Cir. 2000). In *Thorson*, the Court affirmed the grant of summary judgment to the plaintiff where the plaintiff was advising of FMLA conditions via notes for days off but the employer failed to request an FMLA certification for such absences and counted such absences against the plaintiff for purposes of termination. *Id.* In fact, when an employer becomes aware of an employee seeking FMLA qualifying absenteeism, **it only has "five business days"** to present the employee with an FMLA certification if it desires medical support for the FMLA absences with written notices identifying timelines to have the certification executed. See 29 CFR 825.300. An employer cannot lay idly by and claim since an employee failed to affirmatively provide an FMLA certification (that is not even required and is entirely in the discretion of an employer) only to later claim that such absences were not protected under the FMLA. See *Wilson v. Lemington Home for the Aged*, 159 F. Supp. 2d 186, 193 (W.D. Pa. 2001)(granting summary judgment to the plaintiff-employee because employer failed to provide a written notice with a request for a certification to an employee but took an adverse action against him for allegedly not providing such a certification, as the FMLA regulations are eminently clear that an employer must present an employee with written expectations and a certification immediately upon notice of FMLA-qualifying absenteeism . . . further clarifying employers cannot rely on blanket employment policies or handbooks in lieu of individualized written notices).

full.

24. Plaintiff was an eligible employee under the definitional terms of the FMLA, 29 U.S.C. § 2611(a)(i)(ii).

25. Plaintiff met all FMLA eligibility requirements from 2013 through 2017, and Plaintiff exercised her rights to use intermittent FMLA leave for herself and her child during this timeframe.

26. Defendant interfered with, restrained, and denied Plaintiff multiple promotions and/or better positions within Defendant from 2015 through 2017 specifically because of Plaintiff's FMLA usage.

27. Defendant: (a) failed to properly designate medical leave; (b) failed to properly give written individualized notifications to Plaintiff and other employees; (c) systematically poorly administers FMLA; and (d) denied Plaintiff job positions as aforesaid in retaliation for her exercise of FMLA rights and separately interfered with Plaintiff's rights under the FMLA by counting FMLA absenteeism while prejudicing Plaintiff by failing to fulfill its own notice obligations.

28. These actions as stated herein constitute both interference and retaliation violation of the FMLA.

WHEREFORE, Plaintiff prays that this Court enter an Order providing that:

B. Defendant is to compensate Plaintiff, reimburse Plaintiff and make Plaintiff whole for any and all pay and benefits Plaintiff would have received had it not been for Defendant's illegal actions, including but not limited to past lost earnings, future lost earnings, salary, pay increases, bonuses, medical and other benefits, training, promotions, pension, and seniority. Plaintiff should be accorded those benefits illegally withheld from the date she first suffered

retaliation/interference at the hands of Defendant until the date of verdict;

C. Plaintiff is to be awarded liquidated damages, as permitted by applicable law, in an amount determined by the Court or trier of fact to be appropriate to punish Defendant for its willful, deliberate, malicious and outrageous conduct and to deter Defendant or other employers from engaging in such misconduct in the future;

D. Plaintiff is to be awarded the costs and expenses of this action and reasonable legal fees as provided by applicable federal and state law;

E. Any verdict in favor of Plaintiff is to be molded by the Court to maximize the financial recovery available to the Plaintiff in light of the caps on certain damages set forth in applicable federal law; and

F. Plaintiff's claims are to receive trial by jury to the extent allowed by applicable law. Plaintiff has also endorsed this demand on the caption of this Complaint in accordance with Federal Rule of Civil Procedure 38(b).

Respectfully submitted,

KARPF, KARPF, & CERUTTI, P.C.

By: 

Ari R. Karpf
3331 Street Road
Two Greenwood Square
Suite 128
Bensalem, PA 19020
(215) 639-0801

Date: June 23, 2017

Exhibit A

Morrison, Shirley M

From: Morrison, Shirley M
Sent: Friday, April 07, 2017 10:44 AM
To: 'spaige524@gmail.com'
Subject: FW: DRU - Field Representative

From: Nelson, Renee Marie
Sent: Wednesday, April 05, 2017 12:54 PM
To: Morrison, Shirley M
Cc: Horsey, Brian K; Campbell, Ryan P.; Shuler Jr., George R
Subject: DRU - Field Representative

Good afternoon.

Thank you for your interest in the above position within DRU.

Unfortunately, you will not be considered for this position at this time.

This decision is based on absence occurrence standards for permanent transfers and promotions as set by the Collective Bargaining Agreement. The current absence standard is 6 occurrences for 26 days (6/26) over a two (2) year period. You have nine (9) occurrences for eight (8) days of non-FMLA absences over two years.

The occurrences include:

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3/27/2015	Absence - Sick
6/5/2015	Absence - Sick
6/6/2015	Absence - Sick
7/16/2015	Absence - Sick
7/17/2015	Absence - Sick
7/31/2015	Absence - Sick
8/17/2015	Absence - Sick
9/30/2015	Late
3/8/2016	Late
8/4/2016	Late
8/17/2016	Late

If you have any questions, please call me.



Renee M. Nelson | Manager of Labor Relations | Customer Affairs
Philadelphia Gas Works | 800 W. Montgomery Ave | Philadelphia, PA 19122

Exhibit B

Morrison, Shirley M

From: Morrison, Shirley M
Sent: Friday, April 07, 2017 10:52 AM
To: 'spaige524@gmail.com'
Subject: FW: fmla leaving

From: Morrison, Shirley M
Sent: Friday, January 22, 2016 2:57 PM
To: Horsey, Brian K
Subject: FW: fmla leaving

From: Morrison, Shirley M
Sent: Friday, July 31, 2015 8:11 AM
To: Jones, Taya; Roane, Don
Subject: fmla leaving

Hello,

I am leaving today 07/31/2015 FMLA for myself and am going straight to the hospital.

Thank you,

Shirley Morrison
Quality Assurance Senior
Philadelphia Gas Works
Ext. 4123
Shirley.Morrison@pgworks.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

SHIRLEY MORRISON

CIVIL ACTION

v.

PHILADELPHIA GAS WORKS

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

6/23/2017

Date


 Attorney-at-law

Plaintiff

Attorney for

(215) 639-0801

Telephone

(215) 639-4970

FAX Number

akarpf@karpf-law.com

E-Mail Address

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 6422 Argyle Street, Philadelphia, PA 19111

Address of Defendant: 800 W. Montgomery Avenue, Philadelphia, PA 19122

Place of Accident, Incident or Transaction: Defendant's place of business
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☐
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☐
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☐
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☐

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify) _____
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Ari R. Karpf, counsel of record do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 6/23/2017

Attorney-at-Law

ARK2484

Attorney I.D.# 91538

NOTE: A trial de novo will be a trial by jury only if there has been compliance with P.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 6/23/2017

Attorney-at-Law

ARK2484

Attorney I.D.# 91538

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM)

I. (a) PLAINTIFFS

MORRISON, SHIRLEY

(b) County of Residence of First Listed Plaintiff Philadelphia
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Karpf, Karpf & Cerutti, P.C.; 3331 Street Road, Two Greenwood Square,
Suite 128, Bensalem, PA 19020; (215) 639-0801; akarpf@karpf-law.com

DEFENDANTS

PHILADELPHIA GAS WORKS

County of Residence of First Listed Defendant Philadelphia
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	1	1	Incorporated or Principal Place of Business in This State	4	4
Citizen of Another State	2	2	Incorporated and Principal Place of Business in Another State	5	5
Citizen or Subject of a Foreign Country	3	3	Foreign Nation	6	6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- Xi Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 Family & Medical Leave Act "FMLA" (29USC2601)
 Brief description of cause:
 Violations of the FMLA.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See Instructions):

JUDGE

DOCKET NUMBER

DATE

6/23/2017

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

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